

MEMO ENDORSED



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THE BATRA BUILDING
142 LEXINGTON AVE.
NEW YORK, NEW YORK 10016
212-545-1993

RAVIBATRALAW@AOL.COM
FAX: 212-545-0967

Via Facsimile (212)805-7949
Hon. P. Kevin Castel, U.S.D.J.
United States Courthouse
500 Pearl Street, Room 2260
New York, NY 10007

July 29, 2008

Application Granted
So Ordered:

Hon. Richard J. Holwell
Part I 7/31/08

Re: Third request for adjournment of Pre-Motion Conference, currently scheduled for August 4, 2008 in: *Zino Davidoff v. American Resources Corp.*, 08 CV 2900 (PKC), to further productive settlement negotiations

Respected Judge Castel:

The undersigned represents defendant American Resources Corp. By this letter we respectfully request an adjournment of the pre-trial conference scheduled in this matter until September 8, 2008, subject to the Court's availability.

at 9:30 a.m. 7/28

The parties are actively engaged in negotiations to amicably resolve this matter with finality and hopefully we will have a stipulated disposition to be "So Ordered" by the Court. In an effort to settle this matter, the defendant has voluntarily provided the plaintiff with voluminous records regarding purchases and sales made by the defendant, and detailed accountings of these transactions to aid the plaintiff in their analysis. We are awaiting the plaintiff's completion of their review of these records and a determination of the financial component of a settlement. Two prior requests for an adjournment of this conference have been made. This request is being made with the consent of adversary counsel Robert Potter, Esq. and Lisa Pearson, Esq. of Kilpatrick Stockton LLP. We provided an available date in August 2008, and several dates in September. Of those dates, our adversaries advised that they are available on September 8, 2008. As such we jointly request that date. This consent was obtained during a telephone conversation between myself and Mr. Potter this evening.

Respectfully yours,
The Law Firm of Ravi Batra, P.C.

Ravi Batra, Esq. (RB 4299)

cc: Robert Potter, Esq. (212) 775-8816
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